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EXAMINER

WORKU, NEGUSSIE

ART UNIT

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2625

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/990,291	Applicant(s) CHIU, CHUI-KUEI	
	Examiner NEGUSSIE WORKU	Art Unit 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-14 and 23-28 is/are allowed.
- 6) ☒ Claim(s) 1-8, 15-24 and 29-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 May 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>05/14/08</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/02/08, has been entered.

Response to the arguments

2. Applicant's arguments response filed, on 04/02/08, with respect to the rejection(s) of claim(s) 1 through 40 under U.S.C. 103(a), have been fully considered. Specifically, arguments with regard to claims 9-14 and 23-18 are found persuasive and claims are allowed as indicated in the below office action. However, applicant's remarks regarding claims 1-8, 15-22 and 19-40 are not persuasive for the reasons discussed below:

Applicant alleged that the combination of the reference cited fails to show or suggest, "a signal control device adapted to generate a notify signal in response to said image data being stored in said memory, and a switch control device adapted to receive

Art Unit: 2625

a signal to display, as recited by claim 1. " as currently amended in claims 1, 15, 29 and 33, respectively. In response, the Examiner respectfully disagrees because the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). In this case, the Examiner asserts that the combination of cited references when considered as a whole clearly teaches that " a signal control device adapted to generate a notify signal in response to said image data being stored in the memory " as currently amended in claims indicted above, are well-known in the art at the time of the invention was made. In particular, Barker '765' clearly suggested the advantage of combining the system interface 44 receives and exchanges data and commands from computer 14, in which computer function as a signal control device including generating and updating data when data is stored the memory by providing a commands signal [i.e. a notifying signal] to a user a memory (i.e., see Figs. 2 and 11, and col.3, lines 24-37; further, with regard to a switch control device adapted to display document, the secondary reference clearly shows or teaches that switching circuit 106 by a tuner 96 (column 5, lines 34). According to Sasabe at column 5 lines 31-50, a reproduction of a television signal and an image feedback signal are displayed concurrently. Sasabe '719' clearly teaches that the two signals are displayed concurrently, not that the next document is scanned substantially concurrently with a displaying of the first document, (column 5

Art Unit: 2625

lines 34-45). In claim 1 In view of the above, having the system of Baker '765' and then given the well- established teaching of Sasabe '719, the Examiner asserts that it would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the imaging apparatus and image display systems of the cited references for the purpose of reducing a time the might be wasted on step of separate processing of scanning and displaying of the image, as suggested by Sasabe '719'

Therefore, the present claimed invention is known to ordinary skilled in the art at the time of the invention was made, thus, the rejections are maintained as fallows:

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-8, 15-22, 29-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baker et al. (USP 6,646,765), in view of Sasabe et al. (USP 3,928,719).

Regarding independent claim 1, Barker et al. discloses an image apparatus (as shown in fig 1) comprising: a scanner (scanning device 12 of fig 1) adapted to scan a first a document, see (col.3, lines 47-49); a memory (memory 40 of fig 2) adapted to

store image data corresponding to said first document (document scanned by scanner 12 of fig 1);

a signal control device (control circuit 34 of fig 2, coupled to memory 40, and computer 14 [CPU 46] of fig 2, via interface 44 of fig 2, in order to control a memory, col.4, lines 24-38) adapted to generate a notify signal in response to said image data being stored in said memory (computer 14, having a function of notifying user if the document stored in memory 40 of fig 1) through said scanner (scanning device 12 of fig 1).

Barker et al. dose not expressly teach a switch control device adapted to receive a signal to display said document on display device, and further adapted so that said scanner has the capability to scan next document substantially concurrently with a displaying of the first document, wherein the next document is no displayed unless the switch device receives a second signal.

However, Sasabe et al. in the same area of document scanning and display method teaches a switch control device, (switch circuit 106 of fig 8) adapted to receive a signal to display said document on display device, (display 81 of fig 8) and further adapted so that said scanner (camera or video recording 97/107 of fig 8) has the capability to scan next document (film 85 of fig 8) substantially concurrently with a displaying of the first document, wherein the next document is no displayed unless the switch device receives a second signal, (an image film 85 obtained through a scanning of the film 85, may be displayed on display 81 of fig 8, concurrently, as discussed in col.5, lines 34-50). Therefore, It would have been obvious to a person with ordinary skill

Art Unit: 2625

in the art at the time the invention was made to have modified imaging device of Barker et al. by the teaching of Sasabe (719) for the purpose of obtaining a perfect final image, by having the ability to perform a visual inspection of the document for all image of different color or resolution to be exactly superimpose according to user's preference, and also it would have help a user to reduce a time the might be wasted on step of separate processing of scanning and displaying of the image.

Regarding to claim 2, Barker et al. discloses the apparatus (fig 1), further comprising a transmission device (scanner device 12 is a sheet-feed scanner) adapted to transmit said first document to be scanned, see (col.3, line 47-49).

Regarding to claim 3, Barker et al. discloses the apparatus (fig 1), wherein said transmission comprise a document handling device (sheet-feed device of scanner 12 of fig 1) selected from the group consisting of positive photograph holder, negative photograph holder, and ADF (automatic document feeder), see (col.3, line 47-49).

Regarding to claim 4, Barker et al. discloses the apparatus (fig 1), wherein said memory comprises a buffer (memory is selected by CPU 46 of fig 2) from the group consisting of ring buffer and ping-pong buffer, (memory 40 and 48, which is equivalent to applicants, discloses structure as depicted at applicant's fig 2).

Regarding to claim 5, Barker et al. discloses the apparatus (fig 1), wherein said a buffer comprises two or more memory buffer blocks, (memory 40 and 48, which is equivalent to applicant's discloses structure as depicted at applicant's fig 2).

Regarding to claim 6, Barker et al. discloses the apparatus (fig 1), further comprising a display switch adapted to receive said a notify signal and said notify further adapted so that said display device (read out display is provided on interface panel 26 to allow certain textual messages to be displayed for the user, see (col.3, lines 57-58).

Regarding to claim 7, Barker et al. discloses the apparatus (fig 1), wherein said notify signal and said scanning signal indicate an availability of said first document and said next document for display, (read out display is provided on interface panel 26 to allow certain textual messages to be displayed for the user, see (col.3, lines 57-58).

Regarding to claim 8, Barker et al. discloses the apparatus (fig 1), wherein said, scanning signal indicates when the scanning of said next document has finished, (read out display is provided on interface panel 26 to allow certain textual messages to be displayed for the user, such as through LCD 30 of fig 1, monitor 20 of fig 1, see (col.3, lines 57-58).

Regarding to claim 15, Barker et al. discloses a scanning method (fig 1), comprising: scanning a first document (scanning device 12, scan document 24 of fig 1) and storing said document into memory is playing a notify signal when the scanning of

said next document is finished, (memory device 40 of fig 2); receiving a starting signal, (control circuit 34 of fig 1, controls a read out display 30 of fig 1, col.4, lines 5-15) displaying said first document (20 of fig 1).

Barker et al. dose not expressly teach and scanning a next document substantially concurrently with the displaying of said first document scanning a next document substantially concurrently with the displaying of said first document, wherein said next document is not displayed while it is being scanned; and displaying a notification of availability when said next document is available to be displayed.

However, Sasabe et al. in the same area of document scanning and display method teaches scanning a next document substantially concurrently with the displaying of said first document, wherein said next document is not displayed while it is being scanned; and displaying a notification of availability when said next document is available to be displayed, (an image film 85 obtained through a scanning of the film 85, may be displayed on display 81 of fig 8, concurrently, as discussed in col.5, lines 34-50).

Therefore, It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified imaging device of Barker et al. by the teaching of Sasabe (719) for the purpose of obtaining a perfect final image, by having the ability to perform a visual inspection of the document for all image of different color or resolution to be exactly superimpose according to user's preference, and also it

would have help a user to reduce a time the might be wasted on step of separate processing of scanning and displaying of the image.

Regarding to claim 16, Barker et al. discloses the method (fig 1), further comprising a transmission device (scanner device 12 is a sheet-feed scanner) transmitting said document said scanner, see (col.3, line 47-49). 16.

Regarding to claim 17, Barker et al. discloses the method (fig 1), wherein said transmission device (sheet-feed device of scanner 12 of fig 1) is selected from the group consisting of positive photograph holder, negative photograph holder, and an ADF (automatic document feeder), see (col.3, line 47-49).

Regarding to claim 18, Barker et al. discloses the method (fig 1), wherein said memory comprise buffer selected (memory is selected by CPU 46 of fig 2) from the group consisting of essentially ring buffer and ping-pong buffer, (memory 40 and 48, which is equivalent to applicant's disclosure structure as depicted at applicant's fig 2).

Regarding to claim 19, Barker et al. discloses the method (fig 1), wherein said memory comprises two memory buffer blocks (memory 40 and 48, which is equivalent to applicant's discloses structure as depicted at applicant's fig 2).

Regarding to claim 20, Barker et al. discloses the method (fig 1), further comprising a displaying a notify signal wherein displaying the notify signal includes receiving a notify signal by a display switch (read out display is provided on interface panel 26 to allow certain textual messages to be displayed for the user, see (col.3, lines 57-58)).

Regarding to claim 21, Barker et al. discloses the method (fig 1), wherein said notify signal comprises an image selected from the group consisting essentially of an arrow image, twinkling image and unlike color image, (read out display is provided on interface panel 26 to allow certain textual messages to be displayed for the user, see (col.3, lines 57-58)).

Regarding to claim 22, Barker et al. discloses the method (fig 1), wherein displaying first document includes displaying said first document on a display device wherein said display device comprise a peripheral is selected from the group consisting essentially of television, monitor, liquid crystal display and projector, (read out display is provided on interface panel 26 to allow certain textual messages to be displayed for the user, through LCD 30 of fig 1, monitor 20 of fig 1, see (col.3, lines 57-58)).

Regarding to claim 29, Barker et al. discloses the apparatus (fig 1), apparatus, comprising: a scanner (scanner 22 of fig 1) capable of scanning a first document and a second document (plurality of document 24 of fig 1, are to be scanned);

Barker et al. do not expressly teach switch operable so that a display of the first document occurs concurrently with the scanning of said second document.

Displaying said first document, and a display screen configured to display a scanning status of said second document while displaying said first document, wherein said scanning status indicates an availability of said second document for display on said display screen.

However, Sasabe et al. in the same area of document scanning and display method teaches switch operable so that a display of the first document occurs concurrently with the scanning of said second document, (an image film 85 obtained through a scanning of the film 85, may be displayed on display 81 of fig 8), displaying said first document, and a display screen configured to display a scanning status of said second document while displaying said first document, wherein said scanning status indicates an availability of said second document for display on said display screen, (an image film 85 obtained through a scanning of the film 85, may be displayed on display 81 of fig 8, concurrently, as discussed in col.5, lines 34-50).

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified the imaging apparatus of Barker et al. to include: a switch control device adapted to receive a signal to display said document on display device, and further adapted so that said scanner has the capability to scan next document substantially concurrently with a displaying of the first document.

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified imaging device of Barker et al. by the teaching of Sasabe (719) for the purpose of obtaining a perfect final image, by having the ability to perform a visual inspection of the document for all image of different color or resolution to be exactly superimpose according to user's preference, and also it would have help a user to reduce a time the might be wasted on step of separate processing of scanning and displaying of the image.

Regarding to claim 30, Barker et al. discloses the apparatus (fig 1), further comprising a memory (memory for storing 40 of fig 2) capable of storing image data corresponding to the first document (document feed from the feeder 22 of fig 1).

Regarding to claim 31, Barker et al. discloses the apparatus (fig 1), further comprising a signal control device (34 of fig 2) capable of generating a notify signal (control 34 of fig 2, is coupled to in put keys and display of interface panel 26 of fig 2 for receiving user generated commands and for displaying a message to user, col.4, lines 10-15).

Regarding to claim 32, Barker et al. discloses the apparatus (fig 1), wherein the switch is further capable of receiving a start signal from a user, (control 34 of fig 2, is coupled to in put keys and display of interface panel 26 of fig 2 for receiving user generated commands and for displaying a message to user) the switch operable so that

the display of the first document occurs at least in part in response to receiving the start signal from the use, (col.4, lines 10-15).

Regarding to claim 33, Barker et al. discloses a scanning method (fig 1), comprising: scanning a first document (scanning device 12, scan document 24 of fig 1) and storing said document into memory (memory device 40 of fig 2);

receiving a starting signal, (control circuit 34 of fig 1, controls a read out display 30 of fig 1, col.4, lines 5-15) displaying said first document (20 of fig 1);

Barker et al. dose not expressly teach and scanning a next document substantially concurrently with the displaying of said first document.

However, Sasabe et al. in the same area of document scanning and display method teaches scanning a next document substantially concurrently with the displaying of said first document, first document, wherein said next document is capable of being scanned without being displayed, (an image film 85 obtained through a scanning of the film 85, may be displayed on display 81 of fig 8, concurrently, as discussed in col.5, lines 34-50).

Therefore, It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified imaging device of Barker et al. by the teaching of Sasabe (719) for the purpose of obtaining a perfect final image, by having the ability to perform a visual inspection of the document for all image of different color or resolution to be exactly superimpose according to user's preference, and also it

Art Unit: 2625

would have help a user to reduce a time the might be wasted on step of separate processing of scanning and displaying of the image.

Regarding to claim 34, Barker et al. discloses the article (fig 1), further comprising transmitting said first document to said scanner (automatic document feeder), see (col.3, line 47-49).

Regarding to claim 35, Barker et al. discloses the article (fig 1), wherein said memory comprises two or more memory buffer blocks (memory 40 and 48, which is equivalent to applicant's discloses structure as depicted at applicant's fig 2).

Regarding to claim 36, Barker et al. discloses the article (fig 1), further comprising displaying a notify signal, displaying a notification of availability for display of either of said first document or said next document, (control circuit 34 of fig 1, controls a read out on to display 20 of fig 1, col.4, lines 3-15).

Regarding to claim 37, Barker et al. discloses the article (fig 1), further comprising displaying a scanning condition of said next document together with said first document, (control circuit 34 of fig 1, controls a read out on to display 20 of fig 1, col.4, lines 3-15).

Regarding to claim 38, Barker et al. discloses the article (fig 1), wherein the signal control device is further adapted to generate a scanning signal corresponding to a scanning status of said next document being scanned, said scanning signal capable of being displayed on said display device together with said first document, (control circuit 34 of fig 1, controls a read out on to display 20 of fig 1, col.4, lines 3-15).

Regarding to claim 39, Barker et al. discloses the article (fig 1), the image scanning system, wherein said display switch is further adapted to receive and display said scanning signal on said display device, (control circuit 34 of fig 1, controls a read out on to display 20 of fig 1, col.4, lines 3-15).

Regarding to claim 40, Barker et al. discloses the article (fig 1), further, comprising displaying a next image signal on said display device to notify said user of an availability of said second document the display on said display device, (control circuit 34 of fig 1, controls a read out on to display 20 of fig 1, col.4, lines 3-15).

Allowable Subject Matter

5. Claims 9-14, 23-28 are allowed.

Claims 9-14 are Allowed are allowed for the reason the prior art searched and of record neither anticipates nor suggests an image scanning system, comprising: a scanner adapted to scan a first document; a transmission device adapted to transmit said first document to_scanned said a memory adapted to store image data

corresponding to said first document; a signal control device adapted to produce one or more signals including a notify signal in response to the image data corresponding to said first document being stored in said memory; while said second document is being scanned to the scan line wherein said signal control device is further adapted to produce a scanning signal corresponding to a scanning status of said second document.

Claims 23-28 are Allowed are allowed for the reason the prior art searched and of record neither anticipates nor suggests a scanning method, comprising: transmitting a first document to a scanner; scanning said first document and storing said first document to a memory; displaying a notification of availability on a display device to notify a user of an availability of said document for display on said display device; and utilizing a switch control device to receive a starting signal to display said first document on said display device, and further to notify said transmission device to transmit a second document into said scanner, substantially concurrently with the displaying of the first document~ wherein said second document is scanned and stored into said memory without being displayed on said display device.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to NEGUSSIE WORKU whose telephone number is (571)272-7472. The examiner can normally be reached on 9A-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on 571-272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Negussie Worku/

Examiner, Art Unit 2625